



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Robertson, Hugh Duff (for Robert Olivas – Brother – Administrator)

(1) Petition for Settlement of First and Final Account and Report by Administrator,  
 (2) for Final Distribution, and (3) for Order Fixing and Allowing Statutory  
 Compensation, Extraordinary Compensation, and (4) Reimbursement of Costs

<b>DOD: 9-18-08</b>		<b>ROBERT OLIVAS</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 4-29-10 through 11-4-11	<p>1. Need proof of service of Allowance or Rejection of Creditor's Claim (Mandatory Judicial Council Form DE-174) on the Franchise Tax Board per Probate Code §9250.</p> <p><u>Note:</u> A creditor has 90 days to act on a rejected claim. Therefore, this matter cannot go forward unless the time has run or waiver of notice and/or action is provided.</p> <p>2. The Inventory and Appraisal is not verified by the Administrator pursuant to Probate Code §1020.</p> <p>3. The Account is not verified by the Administrator pursuant to Probate Code §§ 1020, 1023, 11640(a).</p> <p>4. Need Notice of Hearing (Mandatory Judicial Council Form DE-120).</p> <p>5. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on:</p> <p>- Robert Olivas (Administrator)</p> <p>- Richard Olivas (Brother)</p> <p>- Franchise Tax Board (per Request for Special Notice)</p> <p><u>Note:</u> Proof of service attached to the Petition indicates that a copy of the Petition was served on the appropriate parties on 11-4-11; however, the Notice of Hearing is a <u>mandatory</u> Judicial Council form containing mandatory language pursuant to Probate Code §1211. Also, it is unknown if the copy of the Petition served indicated this hearing date or if it was mailed before filing (without the date assigned).</p> <p style="text-align: center;"><b>SEE PAGE 2</b></p>
		Accounting: \$67,500.00	
		Beginning POH: \$67,500.00	
		Ending POH: \$0.00	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	X	
<input checked="" type="checkbox"/>	Inventory	X	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input checked="" type="checkbox"/>	Sp.Ntc.	X	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	4-29-10	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Administrator: Waived

Attorney: \$2,700.00 (Statutory – See Notes)

Attorney (Extraordinary): \$1,380.00

- Attorney Robertson states these extraordinary fees are calculated at \$350.00/hr, a reduced rate from his ordinary billing rate of \$450.00/hr.
- Declaration (Exhibit 2) itemizes 1.4 attorney hours and 8.9 law clerk's hours in connection with the foreclosure of the property.

Costs: \$2,186.32 (Itemized – See Notes)

Petitioner states the estate is insolvent and there are no assets with which to pay creditors, costs of administration, or distribute to heirs. The only asset of the estate was a 50% interest in certain real property (Decedent's residence) that was foreclosed. Petitioner is aware of two Creditor's Claims. The Franchise Tax Board filed their claim and a Request for Special Notice, but another creditor did not formally file a claim. Due to the insolvency of the estate, the creditors have not been paid.

However, Petitioner's attorneys reserve their right to receive fees and costs in the event that assets are discovered.

Attorney Robertson states his office has attempted to communicate with the Administrator; however, he has not responded to letters regarding the estate. Attorney Robertson requests to withdraw as attorney of record.

**NEEDS/PROBLEMS/COMMENTS:**

6. Attorney's statutory fee calculation does not include the loss on the property.

Per *Estate of Stein (1968) Cal.App. 2, 631*, the loss on a foreclosed property is the difference between the Inventory and Appraisal value and the encumbrances.

Therefore, need information regarding the incumbrance(s) and recalculation of statutory fee.

7. Cost itemization includes \$784.32 in costs considered by the Court to be costs of doing business and not reimbursable pursuant to Local Rule 7.17, including:

- Fed Ex \$65.12
- Runner Services \$598.31
- Photocopies \$14.00
- Research \$106.89

8. Declaration of Angela F. Gerovac (Attorney Robertson's office) indicates that she had a telephone conversation in August with the Administrator during which he seemed agreeable; however, he then did not respond to letters.

The declaration states the office has not received any communications or returned mail indicating change of phone or address; however, the declaration also does not indicate any further diligence to contact the Administrator other than sending a letter and an email in August 2011 and another letter in October 2011.

The Court may require further diligence regarding the Administrator with regard to closing this estate and with regard to the attorney's request for withdrawal as attorney of record.

Note: This matter cannot move forward unless these items are addressed.

**Petition for Letters Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 11-16-10</b>			<b>ERNEST C. MEGAZZINI</b> , Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond.			<b>NEEDS/PROBLEMS/COMMENTS:</b>		
			Petitioner is a resident of Alpharetta, GA.			1. All heirs waive bond; however, the Court may require bond if the proposed personal representative resides outside California or for other good cause per Probate Code §8571 and Cal. Rule of Court 7.201(b).		
	Aff.Sub.Wit.		All heirs waive bond.			<b>Note:</b> The only relatives/heirs listed are Petitioner and his sister Donna Maria Megazzini Ewert, who has signed a waiver of bond (attached to Petition).		
✓	Verified		Full IAEA – ok					
	Inventory		Decedent died intestate					
	PTC		Residence: Fresno					
	Not.Cred.		Publication: Fresno Business Journal					
✓	Notice of Hrg		<b>Estimated Value of Estate:</b>					
✓	Aff.Mail	W	Real property: \$103,000.00					
✓	Aff.Pub.		Probate referee: Steven Diebert					
	Sp.Ntc.							
	Pers.Serv.							
	Conf. Screen							
✓	Letters							
✓	Duties/Supp							
	Objections							
	Video Receipt							
	CI Report							
	9202							
✓	Order							
	Aff. Posting					Reviewed by: skc		
	Status Rpt					Reviewed on: 12-16-11		
	UCCJEA					Updates:		
	Citation					Recommendation:		
	FTB Notice					File 3 - Megazzini		

Age: Almost 2 years old		<b>TEMPORARY DENIED 10-5-11</b>  <b>SOPHIA QUINTANAR</b> , Paternal Grandmother, is Petitioner.  Father: <b>DIONICIO CARLOS RAMIREZ</b> <i>- Nomination and Consent and Waiver of Notice filed 10-3-11</i>  Mother: <b>CATHERINE GARCIA</b> <i>- Declaration of Due Diligence filed 10-3-11</i>  Paternal Grandfather: Carlos Ramirez Navarro Maternal Grandfather: Unknown Maternal Grandmother: Unknown  <b>Petitioner states</b> Mother has been unable to provide stability. The child is forced to stay here and there with whoever will house them. Mother's friends look like they are drug addicts.  <b>Court Investigator Samantha Henson filed a report on 11-16-11.</b>  <u><b>Court Investigator to provide supplemental report per Minute Order 11-15-11.</b></u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> Per the UCCJEA, the child has been with Petitioner since 9-15-11, and prior to that was with a non-relative "Nani" (Father's girlfriend).  <u>Note:</u> According to the temporary petition, Mother does not have a stable address and was released from incarceration on 9-18-11.  <u>Minute Order 10-5-11 (Temporary):</u> Petitioner informs the Court that the mother has the child. The Court denies the petition given that the child is with his mother. General hearing remains set for 11-23-11.  <u>Minute Order 11-23-11:</u> Examiner notes provided to Petitioner. The Court directs Petitioner to cure the defects. The Court orders the investigator to do a follow-up investigation with regard to where the minor is and whether Petitioner wants to pursue the petition.  <u>As of 12-15-11</u> , nothing further has been filed. Court Investigator to provide supplemental report.  <u>If this petition goes forward, the following issues exist:</u> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the petition per Probate Code §1511 or consent and waiver of notice on:              - Catherine Garcia (Mother)  <u>Note:</u> Petitioner requests to be excused from giving notice to Mother and filed a Declaration of Due Diligence stating that she does not know where to find her; however, per the minute order from the temporary hearing on 10-5-11, the child was with the Mother. Therefore, the Court may require further diligence if notice is to be excused.</li> <li>3. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the petition per Probate Code §1511 or consent and waiver of notice on:              - Carlos Ramirez Navarro (Paternal Grandfather)              - Maternal Grandfather              - Maternal Grandmother</li> </ol>
DOB: 12-12-09			
Cont. from 112311			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 12-15-11			
Updates:			
Recommendation:			
File 13 - Molina			

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

Age: 6 years DOB: 3/22/05		<p><b>GENERAL HEARING 1/4/2012</b></p> <p><b>SANDRA GONZALES</b>, paternal grandmother, is petitioner.</p> <p>Father: <b>SERGIO GONZALES</b> – <i>consents and waives notice.</i></p> <p>Mother: <b>LYDIA ROMERO</b> – <i>consents and waives notice.</i></p> <p>Paternal grandfather: Sergio Anaya Maternal grandfather: Armando Romero – <i>consents and waives notice.</i> Maternal grandmother: Marina Torres – <i>consents and waives notice.</i></p> <p>Petitioner states mom was never in the minor's life and dad is no longer in the home.</p> <p><b>Court Investigator Charlotte Bien's Report filed on 12/12/11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Please see related case on page 15. Petitioner is also requesting to be appointed as guardian of this minor's half sibling, Benjamin Gonzales (they have the same father).</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition for Appointment of Guardian or Consent and Waiver of Notice or Declaration of Due Diligence</i> on: <ol style="list-style-type: none"> <li>a. Sergio Anaya (paternal grandfather)</li> </ol> </li> </ol>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: KT
				Reviewed on: 12/16/11
				Updates:
		Recommendation:		
		File 25 - Gonzales		

**15      Alexandra Regalado, Armando Regalado, Ezekiel Regalado, Justin Sanchez and Benjamin Gonzales (GUARD/P)**      **Case No. 11CEPR00960**

**Atty      Gonzales, Sandra (Pro per, Petitioner/paternal grandmother)**

**Atty      Sanchez, Yvonne E. (pro per maternal grandmother)**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

Age: 1 month DOB: 10/3/11		Temporary Expires 1/4/2012		NEEDS/PROBLEMS/COMMENTS:	
		SANDRA GONZALES, paternal grandmother, is petitioner.		This petition is as to BENJAMIN ONLY.	
		Father: SERGIO GONZALES		A competing petition for guardianship of all the minors was filed by the maternal grandmother was heard on 1/3/12.	
Cont. from		Mother: AMBREA SANCHEZ		Also, please see related case on page 14. Petitioner is also requesting to be appointed as guardian of Benjamin's half sibling (they have the same father).	
	Aff.Sub.Wit.			1. Need <i>Notice of Hearing</i> .	
✓	Verified	Paternal grandfather: Sergio Anaya		2. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition for Appointment of Guardian, or Consent and Waiver of Notice or Declaration of Due Diligence</i> on:	
	Inventory	Maternal grandparents: not listed.		a. Sergio Gonzales (father)	
	PTC	Petitioner states mom is in rehab and dad is no longer in the home.		b. Ambrea Sanchez (mother)	
	Not.Cred.	Court Investigator Charlotte Bien's Report filed on 12/12/11.		3. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition for Appointment of Guardian, or Consent and Waiver of Notice or Declaration of Due Diligence</i> on:	
	Notice of Hrg			a. Sergio Anaya (paternal grandfather)	
	Aff.Mail			b. Maternal grandparents	
	Aff.Pub.			Reviewed by: KT	
	Sp.Ntc.			Reviewed on: 10/31/11	
	Pers.Serv.			Updates:	
✓	Conf. Screen			Recommendation:	
✓	Letters			File 22 - Gonzales	
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				